

REMARKS

In the Office Action dated April 3, 2003, the disclosure is objected to. Claims 1, 8-10 and 15 are rejected under 35 U.S.C. § 102(e). Claims 2-7, 11-14 and 16 are rejected under 35 U.S.C. § 103(a).

The rejections have been completely considered and, for the reasons set forth hereafter, it is respectfully submitted that Applicant's invention as set forth in claims 1 and 3-16 includes features which are not anticipated or rendered obvious by the cited references, taken singly or in any permissible combination. Reconsideration is, therefore, respectfully requested.

The disclosure is objected to. The Examiner's suggestion with respect to the typographical error on page 1 has been adopted. Another typographical error has also been corrected.

A red-lined drawing is submitted herewith showing the changes of reference number 78 in Fig. 4 to 77. It is respectfully submitted that the proposed amendment to paragraph [0038] makes the specification consistent with the previously submitted formal drawing which corrected the duplicate use of reference numeral 78. Applicant inadvertently neglected to notify the Patent Office of this reference number change in the formal drawings when the formal drawings were previously submitted.

Claims 1, 8-10 and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Mouws. Claims 2-7, 13 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mouws in view of Berg.

Due to the incorporation of the subject matter of claim 2 into amended claim 1 as set forth herein, both rejections will be considered together.

The Examiner contends that Mouws teaches all of the elements of Applicant's invention as set forth in original claim 1.

However, Applicant disagrees with the Examiner's statement that the attachment member in Mouws is arranged on the enclosure for one hand mounting and releasing of the enclosure with respect to the steering column. Mouws clearly shows that the cord 3, which is fixed to the net and has a hook at one end is wrapped several times around the steering column (see column 2, lines 65-66 and column 3,

lines 1-2) before the hook is attached to one of the loops or the mesh of the net. As anyone knows when wrapping a line or a rope about a shaft or tubular member while attempting to maintain tautness on the line to keep it tight against the tubular member, constant force must be applied at all times as the line is wrapped around the member. This always requires two hands to make each full 360° loop of the line about the tubular member while maintaining the desired tautness on the line.

This fact clearly belies any interpretation of the attachment member in Mouws as anticipating a one hand strap and connector arrangement as set forth by the Applicant in claim 1.

The tight, confined spaces in which Applicant's airbag arrestor is employed and the need for speed in installing the airbag arrestor over a steering column and integrated airbag necessitates quick one hand operation. There would not usually be sufficient room for the use of two hands to tighten the strap about one end of the airbag enclosure and the steering column.

Further, the open end of Mouws must be large enough, in a relaxed or unhooked state, to enable it to fit over the steering wheel which is larger in diameter than the steering column over which the open end will eventually be tightened. This requires multiple loops of the cord about the open end of the enclosure using the two hand operation described above.

Thus, it is submitted that Mouws is devoid of any attachment member arrangement using a strap and a connector devised for one hand installation about a vehicle steering column after the airbag enclosure has been mounted over a vehicle steering wheel and the steering column.

The Examiner has rejected dependent claims 2-7, 13 and 14 on the basis that the Examiner considers it to be obvious to one of ordinary skill in the art to modify the cord and hook of Mouws with the strap and latch tightening and securing arrangement taught by Berg to provide a strong, secure and easily adjustable means of tightening the enclosure onto the steering column.

The Examiner is correct in that Berg discloses a lockable buckle for belts, straps and the like. However, it is submitted that the lockable buckle of Berg using a pivotal member to lock an end portion of a strap inserted therepast in a fixed,

non-retractable position is not equivalent to nor a direct substitution for the cord, hook and mesh connector of Mouws. The lockable buckle of Berg has one end of the strap attached thereto and receives the other end through the pivotal member. Thus, the connector serves as a one piece latch or locking element for the strap. In Mouws, the elastic cord requires a hook on the cord and a separate engagement member, such as the mesh or a loop on the enclosure to secure the multiple turn wound cord about the steering column of a vehicle.

Thus, it is submitted that the Examiner has failed to make a *prima facie* case of obviousness to support a rejection of Applicant's invention as set forth in claim 1 based on a combination of Mouws and Berg. Indeed, it is submitted that the attempted application of the teachings of Berg as a modification for the hook and loop connector of Mouws hints at the impermissible use of hindsight reconstruction where Applicant's own invention is used as a teaching for such a combination. Such hindsight reconstruction is clearly not permitted under U.S. patent law.

Since Applicant contends that the cord, hook and loop connector of Mouws is not replaceable with the pivotal latch buckle of Berg, it is submitted that Applicant's invention as set forth in claim 1, as well as claims 3-10 and 13-14 includes features which are not suggested by any permissible combination of Mouws and Berg.

Finally, claims 11, 12 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mouws. The Examiner contends that it would have been obvious to one of ordinary skill in the art to make the strap or cord of Mouws out of flexible, ballistic grade nylon to provide a cord of sufficient strength since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

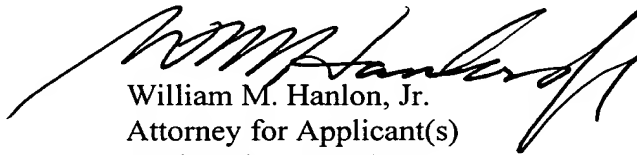
However, it is respectfully submitted that one of ordinary skill in the art, when considering Mouws, would not be led to make the cord of a flexible ballistic material since Mouws itself, while having an opportunity to use ballistic material for the cord, neglected to do so.

Thus, without using Applicant's own invention as a teaching against itself, it is respectfully submitted that Mouws cannot be relied upon to support a rejection that one of ordinary skill in the art would be led by Mouws to select a known material on the basis that suitability for an intended use. Mouws completely fails to address the need for a ballistic grade cord or strap.

In summary, for the reasons set forth above, it is respectfully submitted that Applicant's invention as set forth in claims 1 and 3-16 includes features which are not anticipated or rendered obvious by the cited references taken singly or in any permissible combination. Thus, it is submitted that claims 1 and 3-16 are in condition for allowance; a notice of which is respectfully requested.

Respectfully submitted,

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